

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30629 of 2022**

Arising Out of PS. Case No.-72 Year-2021 Thana- SULTANGANJ District- Bhagalpur

1. SAVITA DEVI W/o Nand Kishore Sharma @ Krishnadeo Sharma R/o village- Dudhela, P.S.- Sultanganj, District- Bhagalpur
2. Uday Kumar S/o Nand Kishore Sharma @ Krishnadeo Sharma R/o village- Dudhela, P.S.- Sultanganj, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sadanand Paswan

For the Opposite Party/s : Mr. Mrityunjaya Kr.Gautam

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 25-08-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioners seek bail in a case registered for the offences punishable under Sections 304 (b), 328 and 34 of the Indian Penal Code.

According to prosecution case is that on 23.03.2021 at 1:45 P.M. the informant lodged an information with Sultanganj Police Station stating that he solemnized marriage of her



daughter Rim Jhim Kumari with Kundan kr. Sharma as per Hindu Rites they were in love affair last 8-9 months. After marriage for some time every things was normal. After some times Kundan Kr. Sharma Uday Kr. Sharma, Mother-in-law and father-in-law and Nand Kishore Sharma started to demand Motorcycle and they tortured her for the same. She told about the same to the complainant on phone the complainant try to specify the matter. On 21.3.2021 they aforesaid persons assaulted her as a result of which she became injured. They ousted her from the house. It is further alleged that the aforesaid person administered her toxicities article as a result of which her condition started to decreased; She took medicine with the advice of the Doctor. Any one informed about the informant, the informant got came and got admitted her in Mayaganj. Where she died during the treatment the informant suspected that the accused persons administered her poison. poison

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that police had submitted the charge sheet. He further submits that in fact petitioner no. 1 is the mother-in-law and petitioner no. 2 is the brother-in-law ("Bhaisur") of the deceased. He further submits



that it appears that from the F.I.R. there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that the victim had consumed poison herself and petitioners have no role at all in the present occurrence. He further submits that similarly situated, co-accused, namely, Nand Kishore Sharma has been granted bail by a co-ordinate Bench of this Court vide order dated 28.04.2022 passed in Cr. Misc. No. 69944 of 2021. The petitioners are in custody since 25.08.2021.

Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sultanganj P.S. Case No. 72/2021, subject to the following conditions:-

1. Petitioners will co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his



bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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